

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**Case
13-CA-273508Date Filed
3/2/2021**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer (1) 1644 S. Blue Island Avenue McDonald's (2) McDonald's USA		b. Tel. No. (1) 312-226-6147 (2) 800-244-6277
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) (1) 1644 S. Blue Island Ave., Chicago, IL 60608 (2) 110 N. Carpenter St., Chicago, IL 60607	e. Employer Representative (1) (b) (6), (b) (7)(C)	g. e-mail
		h. Number of workers employed (1) Approx. 50; (2) 100,000+
i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurant	j. Identify principal product or service Fast food	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)


Within the last six months, the above-named joint employers have discriminated and retaliated against (b) (6), (b) (7)(C) for participating in protected Union and concerted activities by reducing (b) (6) hours, imposing more rigorous standards on (b) (6) and threatening discipline and termination if (b) (6) failed to meet such standards, and denying (b) (6) benefits of employment conferred on other employees. Also within the last six months, the above-named joint employers have interfered with employee rights to engage in protected Union and concerted activity by engaging in surveillance of employees and demonstrating that they were doing so by referencing (b) (6), (b) (7)(C) Union and concerted activity in the course of reprimanding (b) (6) in front of other workers. The joint-employers took the actions described above in an effort to restrain and coerce the named individual and other employees from engaging in protected Union and concerted activities.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)
SEIU National Fast Food Workers Union

4a. Address (Street and number, city, state, and ZIP code) 820 West Jackson Blvd., Suite B115 Chicago, IL 60607	4b. Tel. No. (312) 989-6213
	4c. Cell No.
	4d. Fax No. (312) 243-4731
	4e. e-mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)
Service Employees International Union**6. DECLARATION**

I declare that I have read the above charge and that the statements
are true to the best of my knowledge and belief.



Elizabeth L. Rowe

(signature of representative or person making charge)

(Print/type name and title or office, if any)

Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich, LLP

Address 8 S. Michigan Ave., 19th Fl., Chicago, IL 60603

Date 03/02/2021

Tel. No.
(312) 372-1361Office, if any, Cell No.
(312) 801-8833Fax No.
(312) 372-6599e-mail
erowe@laboradvocates.com**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

Case Num	Case Name	Date Filed	Status	IA Categor	Charging Party	Petitioner	City	State	Charged Party	Employer	Team	Field Agen	Field Supervisor	Closed Rea	Date Close	Method of Contact
13-CA-269	McDonald's		##### Open	2	SEIU National Fast Food Worker		Chicago	IL	5733 S Kedzie	McDonald's	CBHILL	CBHILL	KGIANOPU			eFiled
13-CA-264	RMC Loop Enterprise		##### Closed	2	SEIU National Fast Food Worker		Chicago	IL	RMC Loop Enterprises, LLC d/b/a	McDonald's	CMOLS	CMOLS	JHOFSTRA	Dismissal f	#####	eFiled
13-CA-264	225 S. Canal St. McDc		##### Closed	2	SEIU National Fast Food Worker		Chicago	IL	RMC Loop Enterprises, LLC d/b/a	McDonalds	MGUERRE	MGUERRE	JHOFSTRA	Withdrawal	#####	eFiled
13-CA-263	2438 W. Cermak McE		##### Closed	1	SEIU National Fast Food Worker		Chicago	IL	2438 West Cermak	McDonald's	LCHEKURL	LCHEKURL	KGIANOPU	Withdrawal	#####	eFiled
13-CA-262	2827 S. Cicero McDor	7/6/2020	Closed	2	Service Employees International		Chicago	IL	2827 S. Cicero	McDonald's	LCHEKURL	LCHEKURL	KGIANOPU	Withdrawal	#####	eFiled
13-CA-262	RMC Adams-Wells, LI		##### Closed	3	Service Employees International		Chicago	IL	RMC Adams-Wells, LLC d/b/a	McDonald's	XMOLANCI	XMOLANCI	PPROKOP	Withdrawal	#####	eFiled
13-CA-261	207 East 35th Street I		##### Closed	3	Service Employees International		Chicago	IL	207 East 35th Street	McDonald's	LFRIEDHE	LFRIEDHE	PPROKOP	Withdrawal	#####	eFiled
13-CA-261	RMC Adams-Wells, LI	6/5/2020	Closed	2	Service Employees International		Chicago	IL	RMC Adams-Wells, LLC d/b/a	McDonald's	XMOLANCI	XMOLANCI	PPROKOP	Withdrawal	#####	eFiled
13-CA-252	RMC Adams-Wells, LI		##### Closed	2	Service Employees International		Chicago	IL	RMC Adams-Wells, LLC d/b/a	McDonald's	MPERSON	MPERSON	KGIANOPU	Informal S	#####	Electronic
13-CA-252	Darren A Freihage, LL		##### Closed	1	(b) (6), (b)		Frankfort	IL	Darren A Freihage, LLC (McDonalds)		SPOSEY	SPOSEY	JMUTH	Dismissal f	#####	eFiled
13-CA-250	180 West Adams Stre		##### Closed	2	Service Employees International		Chicago	IL	RMC Adams-Wells, LLC d/b/a	McDonald's	KMCCORNI	KMCCORNI	KGIANOPU	Withdrawal	#####	Written
13-CA-246	203 North LaSalle Str		##### Closed	3	Service Employees International		Chicago	IL	203 North LaSalle Street	McDonald's	MGUERRE	MGUERRE	JHOFSTRA	Dismissal f	#####	Written
13-CA-246	500 West Madison St		##### Closed	3	Service Employees International		Chicago	IL	500 West Madison Street	McDonald's	MGUERRE	MGUERRE	JHOFSTRA	Withdrawal	#####	Written
13-CA-244	Nornat III, Inc. and M		##### Closed	2	SEIU National Fast Food Worker		Chicago	IL	Nornat Management Services, Inc.		ECASTILL	ECASTILL	JMUTH	Withdrawal	#####	eFiled
13-CA-244	500 West Madison St	7/8/2019	Closed	3	Service Employees International		Chicago	IL	500 W. Madison Street	McDonald's	MGUERRE	MGUERRE	JHOFSTRA	Withdrawal	#####	Written
13-CA-243	203 North LaSalle Str		##### Closed	2	Service Employees International		Chicago	IL	203 North LaSalle Street	McDonald's	MGUERRE	MGUERRE	JHOFSTRA	Dismissal f	#####	Written
13-CA-233	McDonald's	1/3/2019	Closed	2	Service Employees International		Berwyn	IL	McDonald's		CNEWMAI	CNEWMAI	PPROKOP	Withdrawal	#####	eFiled



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027

Agency Website: www.nlr.gov
Telephone: (312)353-7570
Fax: (312)886-1341



Download
NLRB
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March 2, 2021

(b) (6), (b) (7)(C)

McDonald's
1644 South Blue Island Avenue
Chicago, IL 60608

McDonald's USA LLC
110 North Carpenter Street
One McDonald's Plaza
Chicago, IL 60607

Re: 1644 S. Blue Island Ave. McDonald's
Case 13-CA-273508

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney Elizabeth Cortez whose telephone number is (312)353-4174 and whose email address is Elizabeth.Cortez@nlrb.gov. If this Board agent is not available, you may contact Supervisor Field Examiner Joyce A. Hofstra whose telephone number is (312)353-7609.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge by March 16, 2021. If the Board agent later asks for more evidence, I strongly urge you or your

representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance to persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in cursive script that reads "Paul Hitterman".

Paul Hitterman
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER
13-CA-273508

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)

3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

7A. PRINCIPAL LOCATION:

7B. BRANCH LOCATIONS:

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:

B. AT THE ADDRESS INVOLVED IN THIS MATTER:

9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES)

YES

NO

A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$

B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$

C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$

D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$

E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$

F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$

G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$

H. Gross Revenues from all sales or performance of services (Check the largest amount)

☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.

I. Did you begin operations within the last 12 months? If yes, specify date:

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

1644 S. BLUE ISLAND AVE. MCDONALD'S

Charged Party

and

**SEIU NATIONAL FAST FOOD WORKERS
UNION**

Charging Party

Case 13-CA-273508

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on March 2, 2021, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

McDonald's
1644 South Blue Island Avenue
Chicago, IL 60608

McDonald's USA LLC
110 North Carpenter Street
One McDonald*s Plaza
Chicago, IL 60607

March 2, 2021

Date

Timothy D. Bennett, Designated Agent of
NLRB

Name

/s/Timothy D. Bennett

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027

Agency Website: www.nlrb.gov
Telephone: (312)353-7570
Fax: (312)886-1341



Download
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March 2, 2021

SEIU National Fast Food Workers Union
820 West Jackson Boulevard, Suite B 115
Chicago, IL 60607

Re: 1644 S. Blue Island Ave. McDonald's
Case 13-CA-273508

Dear Sir or Madam:

The charge that you filed in this case on March 02, 2021 has been docketed as case number 13-CA-273508. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney Elizabeth Cortez whose telephone number is (312)353-4174 and whose email address is Elizabeth.Cortez@nlrb.gov. If this Board agent is not available, you may contact Supervisor Field Examiner Joyce A. Hofstra whose telephone number is (312)353-7609.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

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Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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We can provide assistance for persons with limited English proficiency or disability.
Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in cursive script that reads "Paul Hitterman". The ink is dark and the signature is written on a light-colored background.

Paul Hitterman
Regional Director

cc: Elizabeth L. Rowe, Attorney
8 South Michigan Avenue
Chicago, IL 60603

From: [Cortez, Elizabeth](#)
To: erowe@laboradvocates.com
Subject: 13-CA-273508 1644 S. Blue Island Ave. McDonald's
Date: (b) (6), (b) (7)(C)

Ms. Rowe,

Per our conversation and (b) (6), (b) (7)(C) availability, I am available for an affidavit (b) (6), (b) (7)(C) (b) (6), (b) (7)(C).

As I explained, upon my review of the charge, I will need (b) (6), (b) (7)(C) to be specific about (b) (6), (b) (7)(C) hours before and after they were reduced and when (b) (6), (b) (7)(C) hours were reduced. Also, I'll need to know names of any other employees who also participated in similar protected concerted and/or union activity with (b) (6), (b) (7)(C) or on their own and what exactly their activity was, when, how the employer knew about it.

Also, I'd like to know what standards the Employer is asking (b) (6), (b) (7)(C) to follow and how (b) (6), (b) (7)(C) knows that other employees don't have to follow those standards. I'd like to know which employees and how (b) (6), (b) (7)(C) knows these employees get benefits that (b) (6), (b) (7)(C) can't have. Finally, I'd like as soon as possible employee names and contact information that witnessed the employer disciplining (b) (6), (b) (7)(C).

Please let me know if you have any questions.

Thanks you,

Liz Cortez

Attorney

National Labor Relations Board, Region 13

219 S. Dearborn St., Suite 808

Chicago, IL 60604

Direct: 312-353-4174

Cell: 202-251-4594

Fax: 312-886-1341

-

Please note the NLRB now requires electronic filing of documents. See [GC Memo 20-01](#) on the Agency's website.

From: [Elizabeth Rowe](#)
To: [Cortez, Elizabeth](#)
Subject: Re: FW: 13-CA-273508 1644 S. Blue Island Ave. McDonald's
Date: (b) (6), (b) (7)(C)
Attachments: [Please DocuSign nlr 4943 9-12](#) (b) (6), .pdf

Attached is a signed form for (b) (6), (b) (7)(C) Alex. He will call you at (b) (6), (b) (7)(C)

Thanks.

On (b) (6), (b) (7)(C) PM Cortez, Elizabeth <Elizabeth.Cortez@nlrb.gov> wrote:

Yes, please have (b) (6), (b) (7)(C), (b) (7)(D) contact me first (202-251-4594) and then they can get (b) (6), (b) (7)(D) on the phone since I don't have (b) (6), (b) (7)(D) number.

I'll email (b) (6), (b) (7)(C), (b) (7)(D) and yourself a copy of the affidavit and then give you a couple of days to review it and send it back.

Thank you,

[Liz Cortez](#)

Attorney

National Labor Relations Board, Region 13

219 S. Dearborn St., Suite 808

Chicago, IL 60604

Direct: 312-353-4174

Cell: 202-251-4594

Fax: 312-886-1341

-

Please note the NLRB now requires electronic filing of documents. See [GC Memo 20-01](#) on the Agency's website.

From: Elizabeth Rowe <erowe@laboradvocates.com>
Sent: (b) (6), (b) (7)(C)
To: Cortez, Elizabeth <Elizabeth.Cortez@nrlb.gov>
Subject: Re: FW: 13-CA-273508 1644 S. Blue Island Ave. McDonald's

Ms. Cortez,

I am working on getting the representation form signed.

In the meantime, attached is a letter detailing the topics that I expect (b) (6), (b) (7)(C) to be able to speak to (b) (6), (b) (7)(C)

I can have (b) (6), (b) (7)(C), (b) (7)(D) call you then connect (b) (6), (b) (7)(C), (b) (7)(D) or if there's another method of conferencing that you prefer, please let me know. Since the whole interview will be (b) (6), (b) (7)(C), (b) (7)(D), I will let you all proceed without me, but I would like to have the opportunity to review the affidavit with (b) (6), (b) (7)(C), (b) (7)(D) (b) (6), (b) (7)(C)

If you want (b) (6), (b) (7)(C), (b) (7)(D) to connect you, please let me know what number I should give him. Or I can send you their phone numbers.

Thanks.

On (b) (6), (b) (7)(C) Cortez, Elizabeth <Elizabeth.Cortez@nrlb.gov> wrote:

Ms. Rowe,

Attached please find the (b) (6), (b) (7)(C). Please let me know how you'd like to coordinate the call.

Thank you,

Liz Cortez

Attorney

National Labor Relations Board, Region 13

219 S. Dearborn St., Suite 808

Chicago, IL 60604

Direct: 312-353-4174

Cell: 202-251-4594

Fax: 312-886-1341

Please note the NLRB now requires electronic filing of documents. See [GC Memo 20-01](#) on the Agency's website.

From: Cortez, Elizabeth

Sent: (b) (6), (b) (7)(C)

To: erowe@laboradvocates.com

Subject: 13-CA-273508 1644 S. Blue Island Ave. McDonald's

Ms. Rowe,

Per our conversation and (b) (6), (b) (7)(C), (b) (7)(D) availability, I am available for an affidavit (b) (6), (b) (7)(C)

As I explained, upon my review of the charge, I will need (b) (6), (b) (7)(C), (b) (7)(D) to be specific about (b) (6), (b) (7)(C) hours before and after they were reduced and when (b) (6), (b) (7)(C) hours were reduced. Also, I'll need to know names of any other employees who also participated in similar protected concerted and/or union activity with (b) (6), (b) (7)(C) or on their own and what exactly their activity was, when, how the employer knew about it.

Also, I'd like to know what standards the Employer is asking (b) (6), (b) (7)(C) to follow and how (b) (6), (b) (7)(C)

knows that other employees don't have to follow those standards. I'd like to know which employees and how (b) (6), (b) (7)(C) knows these employees get benefits that (b) (6), (b) (7)(C) can't have. Finally, I'd like as soon as possible employee names and contact information that witnessed the employer disciplining (b) (6), (b) (7)(C), (b) (7)(D)

Please let me know if you have any questions.

Thanks you,

Liz Cortez

Attorney

National Labor Relations Board, Region 13

219 S. Dearborn St., Suite 808

Chicago, IL 60604

Direct: 312-353-4174

Cell: 202-251-4594

Fax: 312-886-1341

Please note the NLRB now requires electronic filing of documents. See [GC Memo 20-01](#) on the Agency's website.

--

Elizabeth L. Rowe

Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich, LLP

8 S. Michigan Avenue, 19th Floor

Chicago, Illinois 60603

Direct: (312) 801-8833 | Main Office: (312) 372-1361 | Fax: (312) 372-6599

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FORM NLRB-4943
(9-12)

National Labor Relations Board
NOTICE OF DESIGNATION OF ATTORNEY
OR REPRESENTATIVE

1644 S. Blue Island Ave. McDonald's and
McDonald's USA,

Respondents,

and

SEIU National Fast Food Workers Union,

Charging Party.

CASE NO.

13-CA-273508

To: Regional Director,

I, (b) (6), (b) (7)(C), the undersigned, hereby designate
Alejandro Altamirano, whose name and address appear below,
as my attorney/representative in this proceeding.

This designation shall remain valid until a written revocation of it, signed by me, is filed with the Board.

FULL NAME OF WITNESS (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) S _____ (Please sign in ink)
(b) (6), (b) (7) 2021 DATE

NAME OF ATTORNEY/REPRESENTATIVE Alejandro Altamirano
<input type="checkbox"/> REPRESENTATIVE IS AN ATTORNEY
MAILING ADDRESS SEIU National Fast Food Workers Union 820 West Jackson Blvd., Suite B115 Chicago, IL 60607
EMAIL ADDRESS alejandro.altamirano@thefightfor15.org
TELEPHONE NUMBER (312) 989-6213

From: [Elizabeth Rowe](#)
To: [Cortez, Elizabeth](#)
Subject: Re: FW: 13-CA-273508 1644 S. Blue Island Ave. McDonald's
Date: (b) (6), (b) (7)(C)
Attachments: [Letter to E. Cortez 03.04.2021.pdf](#)

Ms. Cortez,

I am working on getting the representation form signed.

In the meantime, attached is a letter detailing the topics that I expect (b) (6), (b) (7)(C) to be able to speak to (b) (6), (b) (7)(C).

I can have (b) (6), (b) (7)(C) call you then connect (b) (6), (b) (7)(C) or if there's another method of conferencing that you prefer, please let me know. Since the whole interview will be (b) (6), (b) (7)(C) I will let you all proceed without me, but I would like to have the opportunity to review the affidavit with (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C).

If you want (b) (6), (b) (7)(C) to connect you, please let me know what number I should give him. Or I can send you their phone numbers.

Thanks.

On (b) (6), (b) (7)(C) AM Cortez, Elizabeth <Elizabeth.Cortez@nlrb.gov> wrote:

Ms. Rowe,

Attached please find the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C). Please let me know how you'd like to coordinate the call.

Thank you,

Liz Cortez

Attorney

National Labor Relations Board, Region 13

219 S. Dearborn St., Suite 808

Chicago, IL 60604

Direct: 312-353-4174

Cell: 202-251-4594

Fax: 312-886-1341

-
Please note the NLRB now requires electronic filing of documents. See [GC Memo 20-01](#) on the Agency's website.

From: Cortez, Elizabeth
Sent: (b) (6), (b) (7)(C)
To: erowe@laboradvocates.com
Subject: 13-CA-273508 1644 S. Blue Island Ave. McDonald's

Ms. Rowe,

Per our conversation and (b) (6), (b) (7)(C) availability, I am available for an affidavit (b) (6), (b) (7)(C).

As I explained, upon my review of the charge, I will need (b) (6), (b) (7)(C) to be specific about (b) (6), (b) (7)(C) hours before and after they were reduced and when (b) (6), (b) (7)(C) hours were reduced. Also, I'll need to know names of any other employees who also participated in similar protected concerted and/or union activity with (b) (6), (b) (7)(C) or on their own and what exactly their activity was, when, how the employer knew about it.

Also, I'd like to know what standards the Employer is asking (b) (6), (b) (7)(C) to follow and how (b) (6), (b) (7)(C) knows that other employees don't have to follow those standards. I'd like to know which employees and how (b) (6), (b) (7)(C) knows these employees get benefits that (b) (6), (b) (7)(C) can't have. Finally, I'd like as soon as possible employee names and contact information that witnessed the employer disciplining (b) (6), (b) (7)(C).

Please let me know if you have any questions.

Thanks you,

Liz Cortez

Attorney

National Labor Relations Board, Region 13

219 S. Dearborn St., Suite 808

Chicago, IL 60604

Direct: 312-353-4174

Cell: 202-251-4594

Fax: 312-886-1341

-

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--

Elizabeth L. Rowe

Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich, LLP

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JUSTIN J. LANNOYE

DAVID P. LICHTMAN

GEORGE A. LUSCOMBE III

ELIZABETH L. ROWE

RONALD M. WILLIS

STEPHEN A. YOKICH

(b) (6), (b) (7)

Via Email

Ms. Elizabeth Cortez

Field Examiner

Region 13, National Labor Relations Board

Dirksen Federal Building

219 South Dearborn Street, Suite 808

Chicago, IL 60604

**Re: McDonald's 1644 S. Blue Island Ave. and McDonald's USA
13-CA-273508**

Dear Ms. Cortez:

This letter is intended to provide you a summary of the topics and information that I believe (b) (6), (b) (7)(C) can testify about. Although I have spoken with (b) (6), (b) (7)(C) about these incidents, all the information has been provided to me (b) (6), (b) (7)(C), so it is possible that some of the information (b) (6), (b) (7)(C) provided (b) (6), (b) (7)(C) exactly as intended.

Reduction of Hours and Change of Schedule

(b) (6), (b) (7)(C) participated in a one-day strike on (b) (6), (b) (7)(C) 2021 and (b) (6), (b) (7)(C) 2021. A strike notice with (b) (6), (b) (7)(C) name on it was provided to (b) (6), (b) (7)(C) employer. I will ask the union for copies of those notices.

Following the (b) (6), (b) (7)(C) strike, the employer altered (b) (6), (b) (7)(C) schedule to require (b) (6), (b) (7)(C) to work on (b) (6), (b) (7)(C) a day which (b) (6), (b) (7)(C) had previously requested not to work because (b) (6), (b) (7)(C) volunteers at (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C). The employer had previously accommodated (b) (6), (b) (7)(C) requests not to work on (b) (6), (b) (7)(C). My understanding is that the employer might have scheduled (b) (6), (b) (7)(C) for a couple of (b) (6), (b) (7)(C) in the months prior to the strike because the managers forgot about (b) (6), (b) (7)(C) personal circumstances, but (b) (6), (b) (7)(C) would remind them when that happened, and they largely accommodated the request to be off on that day.

Approximately a week or two following the strike, the employer also began to reduce (b) (6), (b) (7)(C) hours by scheduling (b) (6), (b) (7)(C) at least one day less each week. The employer also abruptly ended (b) (6), (b) (7)(C) shift one or two hours earlier than (b) (6), (b) (7)(C) shift was scheduled to end on several occasions by telling (b) (6), (b) (7)(C) should clock out and could go home. Prior to the strike, the employer did not send (b) (6), (b) (7)(C) home early during (b) (6), (b) (7)(C) shifts, and (b) (6), (b) (7)(C) is not aware of any other employees that the employer has sent home early during (b) (6), (b) (7)(C) shifts.

(b) (6), (b) (7)(C) has also expressed concern about a recent change to the time-clock machine. The machine previously allowed employees to print a receipt of the time they clocked in and out, but the machine no longer provides that option. Therefore, (b) (6), (b) (7)(C) is concerned that (b) (6), (b) (7)(C) lacks the ability to prove the exact time (b) (6), (b) (7)(C) worked if there is an error on (b) (6), (b) (7)(C) paycheck.

Reprimanding in Front of Other Workers

On or around Friday, (b) (6), (b) (7)(C) 2021, (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) yelled at (b) (6), (b) (7)(C) about (b) (6), (b) (7)(C) work at the toaster station in front of several workers. There was a morning rush of orders, causing the toaster to be filled to capacity and creating a back-up on other orders that required toasting. (b) (6), (b) (7)(C) called (b) (6), (b) (7)(C) and the other worker at the toaster ((b) (6), (b) (7)(C)) into the manager's office, which is adjacent to the kitchen. (b) (6), (b) (7)(C) left the door open and loudly yelled at (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) for working too slowly and said something to the effect of "and you want to be paid \$15 for this?" In addition to (b) (6), (b) (7)(C) a worker named (b) (6), (b) (7)(C) plus three other workers in the kitchen witnessed the incident.

(b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) why (b) (6), (b) (7)(C) was yelling at (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) when their speed was due to the limited capacity of the machines and when a lot of other workers face the same slow downs and (b) (6), (b) (7)(C) never calls them out for it. (b) (6), (b) (7)(C) responded by saying something to the effect of "well you need to do a lot better or I do not know what will happen" and suggested that (b) (6), (b) (7)(C) could be terminated.

Other Instances of Retaliatory Conduct

(b) (6), (b) (7)(C) frequently introduces new products to the workers and demonstrates how to prepare them. Typically, in the past, (b) (6), (b) (7)(C) has offered to allow each worker to test the product. For example, if (b) (6), (b) (7)(C) is preparing a new shake or a new sandwich, (b) (6), (b) (7)(C) asks each worker if they want one or how they want it prepared. During one of the shifts after the (b) (6), (b) (7)(C) strike, (b) (6), (b) (7)(C) asked each worker on shift how they wanted a sandwich that (b) (6), (b) (7)(C) was preparing. The only worker (b) (6), (b) (7)(C) did not offer a sandwich to was (b) (6), (b) (7)(C).

Since going on strike in (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) has generally been more demanding and less cordial to (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) used to be very cordial to (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) felt that (b) (6), (b) (7)(C) was friendly and nice. (b) (6), (b) (7)(C) now frequently talks to (b) (6), (b) (7)(C) in very demanding, curt language.

At the moment, I do not have any contact information for the other employees identified in this letter, but I will see if I can obtain that information for you. I am also not currently aware of any other workers at that store who have recently participated in union activity, and I understand from (b) (6), (b) (7)(C) that the other workers are scared to talk with union organizers, but I will check with the union and follow up if they provide any other names. Please let me know if there is any other information I can provide in the meantime.

Sincerely,



Elizabeth L. Rowe

Strike Notice to McDonald's

SEIU National Fast Food Workers Union
820 W Jackson Blvd, Suite Basement, Chicago, IL 60607

To: McDonald's/McDonald's USA, LLC, Joint Employers
McDonalds CORPORATE 1664 S Blue Island Chicago IL 60608

Dear Joint Employers

This is to notify you that we are going on a one day strike beginning on (b) (6), (b) (7)(C), 2021, on what would be (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) we are demanding a living wage, to be treated fairly and equally regardless of our race and to be provided adequate safety and protection while at work. We are going on strike to demand a living wage of \$15 an hour, the right to join a union without interference, adequate protection from COVID-19, as well as an end to racism on the job.

We unconditionally offer to return to work after (b) (6), (b) (7)(C) 2021, for our next regularly scheduled shift This is a peaceful and lawful one day strike protected by federal labor law We expect you to obey federal law and refrain from firing, reducing hours, discriminating, or in any way retaliating against us for standing together to improve our job conditions and safeguard our rights We are not making a demand for recognition at this time. This company is profitable because of our hard work, yet, our wages are not enough to pay for the basics like food, rent, and utilities, and we cannot trust that our employer will prioritize our health and safety over its bottom line. **This notice and unconditional offer to return to work also applies to other workers who may later decide to strike.**

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Strike Notice to McDonald's

SEIU National Fast Food Workers Union
820 W Jackson Blvd, Suite Basement
Chicago, IL 60607

To: McDonald's/McDonald's USA, LLC, Joint Employers
McDonalds-CORPORATE-1664 S Blue Island-Chicago-IL-60608

Dear Joint Employers:

This is to notify you that we are going on a one-day strike beginning on Tuesday, (b) (6), (b) (7)(C) 2021 to demand a living wage of \$15, the right to engage in union activity without interference or retaliation, better protections on the job, especially now during the COVID-19 pandemic and an end to racism on the job. We choose to strike (b) (6), (b) (7)(C) to emphasize the crisis among Black communities who have faced generations of low pay and insufficient protections on the job, leaving them particularly vulnerable to COVID-19. This company makes billions in profits because of our hard work, yet, our wages are not enough to pay for the basics like food, rent, and utilities, and you are failing to prioritize our health and safety over your bottom line, endangering us every day we go into work.

We unconditionally offer to return to work after (b) (6), (b) (7)(C) 2021, for our next regularly scheduled shift. This is a peaceful and lawful one-day strike protected by federal labor law. We expect you to obey federal law and refrain from firing, reducing hours, discriminating, or in any way retaliating against us for standing together to improve our job conditions and safeguard our rights. Reducing our work hours in retaliation for going on strike is illegal. We are not making a demand for recognition at this time. **This notice and unconditional offer to return to work also applies to other workers who may later decide to strike.**

(b) (6), (b) (7)(C)

From: [Cortez, Elizabeth](#)
To: [Cortez, Elizabeth](#)
Subject: 13-CA-273508 McDonald's
Date: Friday, April 16, 2021 3:40:48 PM

4-16-2021

Note to File:

Conversation with EE [REDACTED] (b) (6), (b) (7)(C)
Employed with McDonald's at same location for [REDACTED] (b) (6), (b) (7)(C).

(b) (5), (b) (6), (b) (7)(C)

Reduction of Hours:

[REDACTED] (b) (6), (b) (7)(C) said the ER always reduced everyone's hours from time to time and everyone was sent home at one point or another. [REDACTED] (b) (6), (b) (7)(C) said [REDACTED] (b) (6), (b) (7)(C) is not sure if EE [REDACTED] (b) (6), (b) (7)(C) ever volunteered to go home early but [REDACTED] (b) (6), (b) (7)(C) said everyone was sent home early at one time or another and even Supervisors were sent home early or leave early on their own if work was slow. [REDACTED] (b) (6), (b) (7)(C) said they were sent home like an hour early and sometimes paid for ½ an hour. [REDACTED] (b) (6), (b) (7)(C) is not aware if EE [REDACTED] (b) (6), (b) (7)(C) had any special schedule or if [REDACTED] (b) (6), (b) (7)(C) had (b) (6), off.

Imposing More Rigorous Standards and Surveillance:

(b) (5), (b) (6), (b) (7)(C)

(b) (5) [REDACTED] said management pressures all workers equally by ordering them to work faster and harder, especially when there are a lot of customers in the store. [REDACTED] (b) (6), (b) (7)(C) said management scolds all of them equally. [REDACTED] (b) (6), (b) (7)(C) does recall [REDACTED] (b) (6), (b) (7)(C) and [REDACTED] (b) (6), (b) (7)(C) getting reprimanded for not working fast enough and then both being called into a meeting with [REDACTED] (b) (6), (b) (7)(C). [REDACTED] (b) (6), (b) (7)(C) said [REDACTED] (b) (6), (b) (7)(C) scolded both of them for not working efficiently, (b) (5), (b) (6), (b) (7)(C)

Threatening discipline and termination if standards are not met:

[REDACTED] (b) (6), (b) (7)(C) said [REDACTED] (b) (6), (b) (7)(C) recalls [REDACTED] (b) (6), (b) (7)(C) holding smaller meetings with the (b) (6), (b) (7)(C) and yes they were all told they needed to do a better job of meeting McDonald's standards. [REDACTED] (b) (6), (b) (7)(C) confirmed [REDACTED] (b) (6), (b) (7)(C) and EE (b) (6), [REDACTED] (b) (6), (b) (7)(C) were in [REDACTED] (b) (6), (b) (7)(C) meeting. [REDACTED] (b) (6), (b) (7)(C) didn't recall anything specifically said about them losing their jobs though.

Denial of Benefits of employment conferred on other employees:

[REDACTED] (b) (6), (b) (7)(C) said everyone gets to try the new products. EE's are either issued a coupon or are told to just go up to the counter. [REDACTED] (b) (6), (b) (7)(C) says usually everyone gets to try a product but sometimes people are

missed because they are either off work or they don't want something then and request to take it later (b) (5), (b) (6), (b) (7)(C)

[REDACTED]

Discipline for arguing with (b) (6), (b) (7)(C)

(b) (5), (b) (6), (b) (7)(C)

[REDACTED]

From: [Elizabeth Rowe](#)
To: [Cortez, Elizabeth](#)
Subject: Fwd: strike notice delivery McDonalds 1664 s blue island chicago
Date: Thursday, April 22, 2021 4:24:28 PM
Attachments: [Screen Shot \(b\) \(6\), at 7.23.41 PM.png](#)
[Screen Shot \(b\) \(7\)\(C\) at 7.23.45 PM.png](#)
[Screen Shot at 7.23.53 PM.png](#)

Ms. Cortez,

In response to your request for information about the strike notice delivered to 1664 S. Blue Island McDonald's on (b) (6), (b) (7)(C) I am forwarding this email that consists of the screen shots that union organizer Brandon Bashin-Sullivan took after submitting the notice to McDonald's at 7:23 P.M. on (b) (6), (b) (7)(C). Please note that the name in the strike notice is listed as (b) (6), (b) (7)(C) because the union originally input (b) (6), (b) (7)(C) name incorrectly into their system, but it is my understanding that there were no other (b) (6), (b) (7)(C) that worked at that store at that time.

Please let me know if you need any further information.

Thanks.

----- Forwarded message -----

From: **Fast Food** <strike.evidence15@gmail.com>
Date: Thu, Apr 22, 2021 at 10:52 AM
Subject: Fwd: strike notice delivery McDonalds 1664 s blue island chicago
To: <patrick.malone@thefightfor15.org>, <erowe@laboradvocates.com>, <alejandro.altamirano@thefightfor15.org>, <bbennett@laboradvocates.com>

----- Forwarded message -----

From: **Brendan Bashin-Sullivan** <brendan.bashin-sullivan@thefightfor15.org>
Date: (b) (6), (b) (7)(C)
Subject: strike notice delivery McDonalds 1664 s blue island chicago
To: <strike.evidence15@gmail.com>

--

Elizabeth L. Rowe
Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich, LLP
8 S. Michigan Avenue, 19th Floor
Chicago, Illinois 60603
Direct: (312) 801-8833 | Main Office: (312) 372-1361 | Fax: (312) 372-6599

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☒ Drive-thru

☐ In-Store

Give us your feedback

* Enter your comments (1094/1200 characters)

Dear Joint Employers:

This is to notify you that we are going on a one-day strike beginning on (b) (6), (b) (7)(C) 2021, on what

(b) (6), (b) (7)(C). (b) (6), (b) (7)(C) we are

demanding a living wage, to be treated fairly and equally regardless of our race and to be provided adequate safety and protection while at work. We are going on strike to demand a living wage of 15 an hour, the right to join a union without interference, adequate protection from COVID-19, as well as an end to racism on the job. We unconditionally offer to return to work after (b) (6), (b) (7)(C) 2021, for our next regularly scheduled shift. This is a peaceful and lawful one-day strike protected by federal labor law. We expect you to obey federal law and refrain from firing, reducing hours, discriminating, or in any way retaliating against us for standing together to improve our job conditions and safeguard our rights. This notice and unconditional offer to return to work also applies to other workers who may later decide to strike.

(b) (6), (b) (7)(C)

Tell us about yourself

* First Name

Brendan

* Zip

60607

* Please indicate whether you would like to hear back from the Owner's organization.

☒ Yes

☐ No

* Email

brendan.bashin-sullivan@thefightfor15.org

* Confirm Email

brendan.bashin-sullivan@thefightfor15.org

Error: Please enter valid Phone Number

* Phone Number

(773) 669-4485

By selecting Submit, any information you provide to McDonald's will be used in accordance with McDonald's [Privacy Policy](#).

We may contact you regarding your submission.



Thank you for contacting us!

We appreciate your input. You will receive a response as soon as we are able to process your feedback.

DISCUSSION RECAP

NAME: (b) (6), (b) (7)(C)

TITLE: *Employee*

DATE OF CONVERSATION:

(b) (6), (b) (7)(C) 21

ACTION TAKEN: ☒ WARNING
☒ DISCUSSION

RECAP OF DISCUSSION

Today I had a discussion with (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) on the subject of kitchen procedures that are essential in order to ensure the quality and safety of our food. I understand that I must follow the charts 100% and if we have to change the amount of product that must be reduced, I will let (b) (6), (b) (7)(C) know so that (b) (6), (b) (7)(C) can note the change. I understand what the maximum amounts are for each product, and I cannot go any lower than that amount (10:1=6 pieces and not 8). Secondary times must be set on all products, such as bread, sauces, butter, counter, etc. Blue gloves should only be worn for handling raw food, and I should not touch pans, dishes and buttons and cooked products with them on. I will make sure that the utensils that we use for raw products do not mix with other utensils in order to avoid cross contamination. Whenever I am at the counter, I will always have a headset so that I can listen to the customer. Above all, I must follow the procedures that McDonalds has, and I must remember that we are here to serve quality and safe food to the customers. If any of the subjects that we are covering today are not followed, I understand that there are consequences, up to or including termination.

EMPLOYEE SIGNATURE (b) (6), (b) (7)(C)

SUPERVISOR SIGNATURE _____

WITNESS SIGNATURE _____

Disciplinary Action Form

Date: (b) (6), (b) (7)(C)/2021

Store: 13087, CHGO-1664 S. BLUE ISLAND

Employee

(b) (6), (b) (7)(C)

Name:

(b) (6), (b) (7)(C)

GEID:

Created

By:

Type:

Disciplinary Action

Code(s):

ABUSIVE LANGUAGE / ARGUING / FIGHTING

Comments:

On (b) (6), (b) (7)(C) 21, (b) (6), (b) (7)(C) was working in the grill area of the kitchen. At (b) (6), (b) (7)(C) started attacking a (b) (6), (b) (7)(C) by using profanity (foolishness) and speaking aggressively in front of the whole team. Verbal or any other form of abuse is not permitted under any circumstances. (b) (6), (b) (7)(C) was upfront in taking responsibility for the way (b) (6), (b) (7)(C) acted, and (b) (6), (b) (7)(C) understands that it cannot happen again. This behavior is a violation of our policies at McDonalds and it will not be permitted. Due to the incident, (b) (6), (b) (7)(C) will be suspended for 2 days, (b) (6), (b) (7)(C) 21 and (b) (6), (b) (7)(C) /21 and (b) (6), (b) (7)(C) will be able to assume (b) (6), (b) (7)(C) regular schedule on (b) (6), (b) (7)(C) /21. If we continue having problems with (b) (6), (b) (7)(C) other disciplinary actions will be taken, up to/or including termination.

Employee

Response:

Employee Signature: _____

Date: _____

The material contained herein is business confidential information of McDonald's USA, LLC and may not be used or copied without the prior written permission of An Officer of McDonald's, unless it is being used in Employee Protected Communications. Employee Protected Communications are communications by non-supervisory employees regarding terms and conditions of employment, such as wages and benefits, hours, working conditions and personnel actions.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

I, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 21
Starting the new (b) (6), (b) (7)(C)
schedule to (b) (6), (b) (7)(C)
and on (b) (6), (b) (7)(C)

(handwritten signature)

(b) (6), (b) (7)(C)

From: [Hitterman, Paul](#)
To: [Gianopulos, Kate](#); [Hofstra, Joyce A.](#); [Cortez, Elizabeth](#)
Subject: RE: Agenda Minute 13-CA-273508 (1644 S. Blue Island Ave., McDonald's)
Date: Thursday, May 6, 2021 11:16:17 AM

I agree

From: Gianopulos, Kate <Kate.Gianopulos@nlrb.gov>
Sent: Thursday, May 6, 2021 9:48 AM
To: Hofstra, Joyce A. <Joyce.Hofstra@nlrb.gov>; Cortez, Elizabeth <Elizabeth.Cortez@nlrb.gov>; Hitterman, Paul <Paul.Hitterman@nlrb.gov>
Subject: RE: Agenda Minute 13-CA-273508 (1644 S. Blue Island Ave., McDonald's)

I agree.

Kate MH Gianopulos
Field Examiner Supervisor
Dirksen Federal Building
Chicago, IL 60604

e-mail: kate.gianopulos@nlrb.gov
P: 312-353-4162
M: 202-285-2409
F: 312-886-1341

Pursuant to ([GC 20-01](#)), parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and other evidence, by electronically submitting (e-filing) them through the Agency's web site (www.nlrb.gov).

From: Hofstra, Joyce A. <Joyce.Hofstra@nlrb.gov>
Sent: Thursday, May 6, 2021 9:48 AM
To: Cortez, Elizabeth <Elizabeth.Cortez@nlrb.gov>; Hitterman, Paul <Paul.Hitterman@nlrb.gov>; Gianopulos, Kate <Kate.Gianopulos@nlrb.gov>
Subject: RE: Agenda Minute 13-CA-273508 (1644 S. Blue Island Ave., McDonald's)

I agree

From: Cortez, Elizabeth <Elizabeth.Cortez@nlrb.gov>
Sent: Thursday, May 6, 2021 9:42 AM
To: Hitterman, Paul <Paul.Hitterman@nlrb.gov>; Gianopulos, Kate <Kate.Gianopulos@nlrb.gov>; Hofstra, Joyce A. <Joyce.Hofstra@nlrb.gov>
Subject: Agenda Minute 13-CA-273508 (1644 S. Blue Island Ave., McDonald's)

AGENDA MINUTE

AGENDA DATE: 5/6/2021

ATTENDED BY: RA Hitterman, Acting ARD Kate Gianopulos, SFX Hofstra, and FA Cortez

DETERMINATION: No Merit, DAW

The Committee agreed with the recommendations in the [FIR - Agenda Outline.docx](#)

From: [Elizabeth Rowe](#)
To: [Cortez, Elizabeth](#)
Subject: Re: 13-CA-273508 1644 S. Blue Island Ave. McDonald's
Date: Friday, May 7, 2021 8:09:18 AM

Ms. Cortez:

Thank you for the information yesterday regarding the Region's findings. The union has elected to receive a long form dismissal for this charge. Please let me know if you have any questions.

Thanks,
Libby

On Tue, Apr 20, 2021 at 2:29 PM Cortez, Elizabeth <Elizabeth.Cortez@nlrb.gov> wrote:

Ms. Rowe,

Thank you for the contact information.

Also, the Employer is denying they ever received notice that (b) (6), (b) (7)(C) would be attending the (b) (6), (b) (7)(C) Fight for 15 virtual strike. They have (b) (6), (b) (7)(C) as calling in. (b) (6), (b) (7)(C) testifies that Fight for 15 took care of notifying the Employer. Can you confirm whether the notice was hand delivered, if so by whom and to whom. If it was faxed, do you have a fax confirmation sheet, and/or if via email, please forward the email.

Liz

From: Elizabeth Rowe <erowe@laboradvocates.com>
Sent: Thursday, April 15, 2021 1:57 PM
To: Cortez, Elizabeth <Elizabeth.Cortez@nlrb.gov>
Subject: Re: 13-CA-273508 1644 S. Blue Island Ave. McDonald's

(b) (6), (b) (7)(C) number is (b) (6), (b) (7)(C)

On Thu, Apr 15, 2021 at 1:35 PM Elizabeth Rowe <erowe@laboradvocates.com> wrote:

Ms. Cortez,

I'm working on tracking that number down for you and will forward it once I get it.

Thanks.

On Thu, Apr 15, 2021 at 10:18 AM Cortez, Elizabeth <Elizabeth.Cortez@nlrb.gov> wrote:

Ms. Rowe,

(b) (6), (b) (7)(C), (b) (7)(D) states in (b) (6), (b) (7)(C) affidavit that (b) (6), (b) (7)(C) spoke with (b) (6), (b) (7)(C) (-) about joining the Fight for 15 and even provided Alex with (b) (6), (b) (7)(C) phone number. Could you please have (b) (6), (b) (7)(C) and/or Alex provide (b) (6), (b) (7)(C) number as soon as possible.

Thank you,

Liz Cortez

Attorney

National Labor Relations Board, Region 13

219 S. Dearborn St., Suite 808

Chicago, IL 60604

Direct: 312-353-4174

Cell: 202-251-4594

Fax: 312-886-1341

Please note the NLRB now requires electronic filing of documents. See [GC Memo 20-01](#) on the Agency's website.

From: Cortez, Elizabeth <Elizabeth.Cortez@nlrb.gov>

Sent: Friday, March 19, 2021 9:06 AM

To: Elizabeth Rowe <erowe@laboradvocates.com>

Subject: Re: 13-CA-273508 1644 S. Blue Island Ave. McDonald's

Yes, please e-file both signed affidavits. Thank you.

From: Elizabeth Rowe <erowe@laboradvocates.com>
Sent: Thursday, March 18, 2021 5:28 PM
To: Cortez, Elizabeth
Subject: Re: 13-CA-273508 1644 S. Blue Island Ave. McDonald's

Thank you. I will send to (b) (6), (b) (7)(C), (b) (7)(D) for review.

Should I efile the signed affidavits?

On Thu, Mar 18, 2021 at 3:57 PM Cortez, Elizabeth <Elizabeth.Cortez@nlrb.gov> wrote:

Ms. Rowe,

Attached is (b) (6), (b) (7)(C), (b) (7)(D) revised supplemental affidavit. Please note, we do not use quotation marks in our affidavits.

Feel free to have (b) (6), (b) (7)(C), (b) (7)(D) edit the first affidavit with the (b) (6), (b) (7)(C), (b) (7)(D) date of the meeting referenced on page 6. Please have (b) (6), (b) (7)(C), (b) (7)(D) review both the original affidavit and the supplemental affidavit and return back to me as soon as possible. If there are any further questions, please contact me immediately.

Thank you,

Liz Cortez

Attorney

National Labor Relations Board, Region 13

219 S. Dearborn St., Suite 808

Chicago, IL 60604

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Cell: 202-251-4594

Fax: 312-886-1341

Please note the NLRB now requires electronic filing of documents. See [GC Memo 20-01](#) on the Agency's website.

From: Elizabeth Rowe <erowe@laboradvocates.com>

Sent: Wednesday, March 10, 2021 5:56 PM

To: Cortez, Elizabeth <Elizabeth.Cortez@nlrb.gov>

Subject: Re: 13-CA-273508 1644 S. Blue Island Ave. McDonald's

Ms. Cortez:

When we reviewed the supplemental affidavit, it was (b) (6), (b) (7)(C), (b) (7)(D) belief that the entire paragraph on page 2 beginning "On (b) (6), (b) (7) . . . " was not accurate and did not lend itself to handwritten corrections. (b) (6), (b) (7)(C), (b) (7)(D) clarified to Alex the testimony that paragraph was supposed to reflect and he (b) (6), (b) (7)(C), (b) (7)(D), and I have pasted (b) (6), (b) (7) for you below. Please let me know how you want to handle (b) (6), (b) (7)(C), (b) (7)(D) corrections and if you'll need to schedule another call with (b) (6), (b) (7)(C), (b) (7)(D).

I am also relaying that the date of a meeting referenced on page 6 of the first affidavit that (b) (6), (b) (7)(C), (b) (7)(D) said (b) (6), (b) (7)(C), (b) (7)(D) would provide to you is (b) (6), (b) (7)(C), (b) (7)(D).

Feel free to call if you have any questions.

Thanks,

Libby

On (b) (6), (b) (7)(C) /21 (b) (6), (b) (7)(C) (b) (6), the store at (b) (6) I arrived at (b) (6), (b) (7)(C). It was pretty busy while (b) (6), (b) (7)(C) and I were there. Around (b) (6), (b) (7)(C) arrived to work and around (b) (6), (b) (6), (b) (7)(C) but we call (b) (6), (b) (7)(C) arrived to work. Before (b) (6), (b) (7)(C) got into the kitchen to begin to work, (b) (6), (b) (7)(C) gave (b) (6), (b) (7)(C) the assignment of going to sweep and mop, which was supposed to be my assignment. (b) (6), (b) (7)(C) went to prep the items we needed for (b) (6), (b) (7)(C) asked me if (b) (6), (b) (7)(C) has already given out the assignments and I responded to (b) (6), (b) (7)(C) "Well (b) (6), (b) (7)(C) already gave (b) (6), (b) (7)(C) my assignment and now I am going to have to do the harder assignment." I then told (b) (6), (b) (7)(C) "Why did (b) (6), (b) (7)(C) do that?" and (b) (6), (b) (7)(C) responded to me "I don't know, want to go ask (b) (6), (b) (7)(C) I responded "Yes" but since both (b) (6), (b) (7)(C) and myself were busy, we went back to work. 10 to 15 minutes later, when it calmed down a bit, I went to where (b) (6), (b) (7)(C) was and I asked (b) (6), (b) (7)(C) why did you give (b) (6), (b) (7)(C) that assignment? I thought that was going to be my assignment, isn't it whoever gets here first gets the first assignment assigned to them, why did you give it to (b) (6), (b) (7)(C) if I got here before (b) (6), (b) (7)(C) You are going to leave the harder assignment of carrying the heavy boxes of nuggets and meat to me" (b) (6), (b) (7)(C) responds to me by yelling at me and saying very aggressively "Who told you that was going to be your assignment?!" I responded to (b) (6), (b) (7)(C) "Well that's the assignment that is left, so that means it is left to me" (b) (6), (b) (7)(C) called me back to the grill because it got busy once again. (b) (6), (b) (7)(C) who prior was busy prepping the items and then at the oven heating up the pies, comes into the kitchen to join me and (b) (6), (b) (7)(C) asks (b) (6), (b) (7)(C) why did you send (b) (6), (b) (7)(C) to do what (b) (6), (b) (7)(C) was supposed to do?" I then chimed in and said "You always leave the harder and heavier stuff to me" (b) (6), (b) (7)(C) responds, once again yelling and aggressively "And who told you that that was going to be your assignment?!" I responded once again "That is all that is left", the exact same way I told before (b) (6), (b) (7)(C) came into the kitchen with me and (b) (6), (b) (7)(C) It got busy once again and I had to return to the grill but (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) kept talking, but I couldn't hear what they were talking about. I asked (b) (6), (b) (7)(C) what else (b) (6), (b) (7)(C) needed to be cooked in order for us to get the orders out. I was pointed to the folded eggs and round eggs I was making to (b) (6), (b) (7)(C) and in that moment (b) (6), (b) (7)(C) yelled out "Look! Look! (b) (6), (b) (7)(C) threatening me!" (b) (6), (b) (7)(C) left the kitchen yelling and went to the breakroom and (b) (6), (b) (7)(C) followed (b) (6), (b) (7)(C) while me and (b) (6), (b) (7)(C) stayed in the kitchen working. Around (b) (6), (b) (7)(C) who I thought was not coming back, arrived with (b) (6), (b) (7)(C) arrived.

On Tue, Mar 9, 2021 at 5:08 PM Elizabeth Rowe <erowe@laboradvocates.com> wrote:

Ms. Cortez:

Will you be updating the first affidavit with the supplemental testimony or providing a second affidavit? Please let me know, so we know if (b)(5), (b)(7)(C) should hold off signing and filing the first one.

Thanks.

On Mon, Mar 8, 2021 at 11:14 AM Cortez, Elizabeth
<Elizabeth.Cortez@nlrb.gov> wrote:

Yes, let's connect the call the same way we did last time.

Thank you,

Liz Cortez

Attorney

National Labor Relations Board, Region 13

219 S. Dearborn St., Suite 808

Chicago, IL 60604

Direct: 312-353-4174

Cell: 202-251-4594

Fax: 312-886-1341

Please note the NLRB now requires electronic filing of documents. See [GC Memo 20-01](#) on the Agency's website.

From: Elizabeth Rowe <erowe@laboradvocates.com>

Sent: Monday, March 8, 2021 11:05 AM

To: Cortez, Elizabeth <Elizabeth.Cortez@nlrb.gov>
Subject: Re: 13-CA-273508 1644 S. Blue Island Ave. McDonald's

Ms. Cortez,

This is to confirm that (b) (6), (b) (7)(C), (b) (7)(D) will be available (b) (6), (b) (7)(C), (b) (7)(D) (b) (6). I have asked (b) (6), (b) (7)(C), Alex, to call and connect you to (b) (6) the same as he did (b) (6), (b) (7)(C), but let me know if you want to proceed another way this time.

Thanks.

On Fri, Mar 5, 2021 at 4:44 PM Cortez, Elizabeth <Elizabeth.Cortez@nlrb.gov> wrote:

Yes, (b) (6), (b) (7)(C) works.

Thank you,

Liz

From: Elizabeth Rowe <erowe@laboradvocates.com>
Sent: Friday, March 5, 2021 4:43 PM
To: Cortez, Elizabeth
Subject: Re: 13-CA-273508 1644 S. Blue Island Ave. McDonald's

Does (b) (6), (b) (7)(C), (b) (7)(D) work you for taking (b) (6), (b) (7)(C) supplemental affidavit?

I do not know if this is (b) (6), (b) (7)(C) first discipline but will see what I can find out before you interview (b) (6), (b) (7)(C)

Thanks.

On Fri, Mar 5, 2021 at 4:04 PM Cortez, Elizabeth

<Elizabeth.Cortez@nlrb.gov> wrote:

Ms. Rowe,

Let's schedule a supplemental affidavit first. I'm available anytime on Monday, Tuesday, or even Wednesday.

Let's hold off on amending for now. I'll investigate this new allegation and solicit the Employer's position on this as well. By the way, is this the first discipline (b) (6), (b) (7)(C), (b) (7)(D) has ever received? We can cover that too when I speak with (b) (6), (b)

Thanks,

[Liz Cortez](#)

Attorney

National Labor Relations Board, Region 13

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Direct: 312-353-4174

Cell: 202-251-4594

Fax: 312-886-1341

Please note the NLRB now requires electronic filing of documents. See [GC Memo 20-01](#) on the Agency's website.

From: Elizabeth Rowe <erowe@laboradvocates.com>

Sent: Friday, March 5, 2021 2:48 PM
To: Cortez, Elizabeth <Elizabeth.Cortez@nlrb.gov>
Subject: Re: 13-CA-273508 1644 S. Blue Island Ave. McDonald's

Ms. Cortez:

I received a call from (b) (6), (b) (7)(C), (b) (7)(D) today about an incident at work (b) (6), (b) (7)(C) that I want to inform you about. (b) (6), (b) (7)(C) sent (b) (6), (b) (7)(C) home (b) (6), (b) (7)(C) and suspended (b) (6), (b) (7)(C) for (b) (6), (b) (7)(C) after another worker falsely accused (b) (6), (b) (7)(C) of threatening (b) (6), (b) (7)(C). As I understand it, (b) (6), (b) (7)(C) read (b) (6), (b) (7)(C) a write-up informing (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) was being suspended for (b) (6), (b) (7)(C) and asked (b) (6), (b) (7)(C) to accept the suspension by signing the write-up. (b) (6), (b) (7)(C) asked for a copy of the write-up, and (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) could not have a copy, so (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) would not sign it unless (b) (6), (b) (7)(C) could have a copy. (b) (6), (b) (7)(C) was not provided a copy to look at so does not know what the write-up said.

(b) (6), (b) (7)(C), (b) (7)(D) believes this to be another instance of retaliation by (b) (6), (b) (7)(C). Do we need to amend the complaint to add this to the scope of the Board's investigation? (b) (6), (b) (7)(C), (b) (7)(D) could provide a supplemental affidavit if needed.

Please let me know how we should proceed in order to include this in the investigation.

Thank you,

Libby

On Fri, Mar 5, 2021 at 2:36 PM Cortez, Elizabeth
<Elizabeth.Cortez@nlrb.gov> wrote:

Dear (b) (6), (b) (7)(C), (b) (7)(D)

Attached is your statement regarding the case in the above-captioned matter, rendered to me by telephone, which I have transcribed to the best of my ability as the attached "Confidential Witness Telephone Affidavit."

Please review this affidavit for its accuracy. I request that you initial any changes that you may make (including cross-outs and additions). Please also initial the bottom of each page of your statement to indicate that you have read that page, and sign and date the last page.

Upon completion of the foregoing, please promptly return your signed affidavit to me by **Wednesday, 3/10/21**. You should return it by using the NLRB's E-Filing feature at www.nlr.gov or by email at elizabeth.cortez@nlrb.gov. Please also submit any supporting documentation which you may have, if applicable.

If you are not able to sign the document and scan the affidavit for e-filing, please email the document to me at elizabeth.cortez@nlrb.gov and state in your email:

1. Why you are unable to e-file the affidavit.
2. That you swear or affirm that the contents of the affidavit are true.
3. If the contents of the affidavit are not true, set forth the corrections, in detail, in your email.

Thank you very much for your anticipated cooperation. If you have any questions concerning this letter, please contact me at (312)353-4174.

Liz Cortez

Attorney

National Labor Relations Board, Region 13

219 S. Dearborn St., Suite 808

Chicago, IL 60604

Direct: 312-353-4174

Cell: 202-251-4594

Fax: 312-886-1341

**Please note the NLRB now requires electronic filing of documents.
See [GC Memo 20-01](#) on the Agency's website.**

--

Elizabeth L. Rowe

Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich, LLP

8 S. Michigan Avenue, 19th Floor

Chicago, Illinois 60603

Direct: (312) 801-8833 | Main Office: (312) 372-1361 | Fax: (312) 372-6599

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Elizabeth L. Rowe

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Case Name: 1644 S. Blue Island Ave. McDonald's
Case No.: 13-CA-273508
Agent: Field Attorney Elizabeth Cortez

CASEHANDLING LOG

Date	Person Contacted	Method of Contact	Description of Contact or Activity
3/2/21	CP Atty., Elizabeth Rowe	Phone	Spoke to Rowe and gave her several dates I was available for aff., tomorrow all day, Thursday 3/4 before 10:30 am and after 11am, Friday 3/5 all day before 2:30 pm, and Monday, 3/8 all day. [REDACTED] asked for (b) (6), (b) (7)(C) and I explained (b) (6), (b) (7)(C) so she said that was fine. She asked if a Union (b) (6), (b) (7)(C) could also be on the call if he filed an appearance. I told her I would look into it but told her (b) (6), (b) (7) could not be in the same room as the discriminatee but could possibly be on the call. She asked if the aff. could be (b) (6), (b) (7)(C) and I confirmed that is normally how it's done so that was fine. She said she would get back to me to see what time worked. I told her that was fine. I also asked her to provide name (and possibly contact info.) of EE's that witnessed the ER disciplining the discriminatee and mentioned (b) (6), (b) (7)(C) union/pca while doing so. Rowe agreed. Also explained that I would need the discriminatee to be prepared to provide specifics about (b) (6), (b) (7)(C) hours before and after they were reduced so I could compare to the preceding months. I also told her I would need any names of other EE's who also participated in similar PCA. She explained she could give me some background and would email me. I told her I would send her an email confirming our call and that I was waiting to hear from her about sched this aff. She agreed.

[illegible]



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027

Agency Website: www.nlr.gov
Telephone: (312)353-7570
Fax: (312)886-1341

May 10, 2021

Via electronic mail unless otherwise indicated

Elizabeth L. Rowe, Attorney
8 South Michigan Avenue
Chicago, IL 60603
erowe@laboradvocates.com

Re: 1644 S. Blue Island Ave. McDonald's
Case 13-CA-273508

Dear Ms. Rowe:

We have carefully investigated and considered your charge that McDonald's and McDonald's USA LLC have violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

Your charge alleges that the Employer violated Sections 8(a)(1) and (3) of the Act when it discriminated and retaliated against (b) (6), (b) (7)(C) for participating in protected Union and concerted activities by reducing (b) (6), (b) (7)(C) hours, imposing more rigorous standards on (b) (6), (b) (7)(C) threatening discipline and termination if (b) (6), (b) (7)(C) failed to meet such standards, and denying (b) (6), (b) (7)(C) benefits of employment conferred on other employees. You also allege that the Employer has interfered with employee rights to engage in protected Union and concerted activity by engaging in surveillance of employees and demonstrating that they were doing so by referencing (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Union and concerted activity in the course of reprimanding (b) (6), (b) (7)(C) in front of other workers.

In order to establish that an employer unlawfully disciplined its employee for engaging in protected concerted activities, it must first be established by a preponderance of the evidence that: (1) the employee engaged in protected, concerted activities; (2) the employer knew of these activities; and (3) that the activities were a substantial or motivating reason for the discipline. *Wright Line*, 251 NLRB 1083 (1980), enfd. on other grounds 662 F.2d 899 (1st Cir. 1981), cert. denied 455 U.S. 989 (1982), approved in *NLRB v. Transportation Management Corp.*, 462 U.S. 393 (1983). There must be a causal relationship between the employee's protected activities and the adverse action. *Tschiggfrie Properties, Ltd.*, 368 NLRB No. 120, slip op. at 1 (2019). If the initial burden is met, the burden then shifts to the employer to prove that it would have disciplined its employee even absent the employee's protected activity. *See Wright Line*, 251 NLRB at 1089.

Although (b) (6), (b) (7)(C) may have engaged in protected union and concerted activities, the evidence is insufficient to show that the Employer's actions were motivated by that activity. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) scheduled hours were comparable to other similarly situated employees who did not

engage in concerted activities. Further, the evidence showed the Employer maintained the same performance standards for all employees and informed them of the consequences if they did not meet those standards. No evidence suggested the Employer denied (b) (6), (b) (7)(C) benefits of employment offered to other employees. Finally, the evidence was insufficient to show the Employer engaged in surveillance of employees protected concerted or union activity.

In sum, the evidence does not establish that the Employer's actions were related to (b) (6), (b) (7)(C) union and/or protected concerted activities. I am, therefore, refusing to issue a complaint in this matter.

Charging Party's Right to Appeal: The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at www.nlrb.gov. See [User Guide](#). A video demonstration which provides [step-by-step instructions](#) and frequently asked questions are also available at www.nlrb.gov. If you require additional assistance with E-Filing, please contact E-Filing@nlrb.gov).

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **May 24, 2021**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than May 23, 2021. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before May 24, 2021**. The request may be filed electronically through the **E-File Documents** link on our website www.nlrb.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after May 24, 2021, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,

/s/ Daniel N. Nelson

Daniel N. Nelson
Acting Regional Director

Enclosure

cc:

(b) (6), (b) (7)(C)

McDonald's
1644 South Blue Island Avenue
Chicago, IL 60608
(Via first class mail)

Justin D. Martin, Attorney
250 Vesey Street
New York, NY 10281
jmartin@jonesday.com

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110 North Carpenter Street
One McDonald's Plaza
Chicago, IL 60607
(Via first class mail)

SEIU National Fast-Food Workers Union
820 West Jackson Blvd., Suite B 115
Chicago, IL 60607
(Via first class mail)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

Case Name(s).

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

(Signature)

E-FILING TO APPEALS

1. **Extension of Time:** This document is used when the Charging Party is asking for more time to efile an Appeal.
 - If an Extension of Time is e-filed, and there are additional documents to be e-filed simultaneously with it, please e-file those documents under the selection **Correspondence**.
 - After an Extension of Time has already been e-filed, any **additional** materials to add to the Extension of Time should be e-filed under **Correspondence**.
2. **File an Appeal:** If the Charging Party does not agree with the Region's decision on the case, an Appeal can be e-filed.
 - Only **one (1) Appeal** can be e-filed to **each** determination in the Region's decision letter that is received.
 - After an Appeal has been e-filed, any **additional** materials to add to the Appeal should be e-filed under **Correspondence**.
3. **Notice of Appearance:** Either party can e-file a Notice of Appearance if there is a new counsel representing one side or a different counsel.
 - This document is only e-filed with the Office of Appeals after a decision has been made by the Region.
 - This document can be e-filed **before** an Appeal is e-filed.
4. **Correspondence:** Parties will **select** Correspondence when adding documents or supplementing the Appeal or Extension of Time.
 - Correspondence is used to e-file documents **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
5. **Position Statement:** The Charging Party or Charged Party may e-file a Position Statement.
 - The Charging Party will e-file this document as a supplement of the Appeal.
 - The Charged Party will specifically file one to support the Region's decision.
 - This document should be e-filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
6. **Withdrawal Request:** If the Charging Party decides to no longer pursue their appeal, he/she can e-file a Withdrawal Request to the Office of Appeals.
 - This document should be e-Filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.



7. The selections of **Evidence** or **Other** should no longer be used.